

3/5/18

11:10 A.M.

Chapter No. 303
18/SS36/R966
ag 1/15/18

SENATE BILL NO. 2621

Originated in Senate Ling Welch Secretary

SENATE BILL NO. 2621

AN ACT TO AMEND SECTION 63-3-1007, MISSISSIPPI CODE OF 1972, TO MAKE IT CLEAR THAT VEHICLES APPROACHING A RAILROAD GRADE CROSSING MUST STOP UPON THE APPROACH OF ON-TRACK EQUIPMENT, INCLUDING, BUT NOT LIMITED TO, HI-RAIL VEHICLES AND ON-TRACK MAINTENANCE EQUIPMENT; TO AMEND SECTION 63-3-1013, MISSISSIPPI CODE OF 1972, TO MAKE IT CLEAR THAT CERTAIN EQUIPMENT MUST STOP AT RAILROAD GRADE CROSSINGS UPON THE APPROACH OF ON-TRACK EQUIPMENT, INCLUDING, BUT NOT LIMITED TO, HI-RAIL VEHICLES AND ON-TRACK MAINTENANCE EQUIPMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-3-1007, Mississippi Code of 1972, is amended as follows:

63-3-1007. (1) Whenever any person driving a vehicle approaches a railroad grade crossing and a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of such railroad and shall not proceed until he can do so safely.

(2) The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment. The violation of this section shall not of itself defeat recovery and the question of negligence or the violation aforesaid, shall be left to the jury and the comparative negligence statute and prima facie statute of this state shall apply in these cases as in other cases of negligence.

SECTION 2. Section 63-3-1013, Mississippi Code of 1972, is amended as follows:

63-3-1013. No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six (6) or less miles per hour or a vertical body or load clearance of less than nine (9) inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without notice of any such intended crossing first being given to a superintendent of such railroad and a reasonable time being given to such railroad to provide proper protection at such crossing.

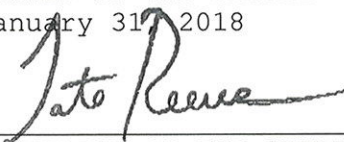
Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railway and while so stopped shall listen and

look in both directions along such track for any approaching train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment and for signals indicating the approach of a train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment, and shall not proceed until the crossing can be made safely.

No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment

SECTION 3. This act shall take effect and be in force from and after July 1, 2018.

PASSED BY THE SENATE
January 31, 2018



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
February 22, 2018



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR
March 5, 2018
11:16 AM